

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

A.M.P. and John or
Jane Does,

Plaintiffs,

v.

ORDER
Civ. No. 01-2083(MJD)

Gaeland Priebe, and
Hubbard Broadcasting, Inc.,
KSTP-5, and any other
DefendantDoes,

Defendants.

John D. Scott, Scott Law Firm, P.A. for and on behalf of Plaintiffs.

Paul Hannah, for and on behalf of Defendants.

Plaintiff A.M.P. is a resident of Wisconsin. She has brought this action alleging state law claims of assault and battery against Defendant Gaeland Priebe, and state law claims of defamation, intrusion upon seclusion, publication of private facts against Defendant Hubbard Broadcasting. Claims of intentional and negligent infliction of emotional distress have also been asserted against both defendants.

Currently before the Court is Plaintiffs' motion for a temporary restraining order to enjoin Defendant Hubbard Broadcasting from broadcasting a program pertaining to Plaintiff A.M.P., her family, her religious beliefs, and any persons associated with her religious beliefs, that is currently scheduled to air on November 15, 2001, and which will

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be re-aired on November 16 and November 19, 2001.

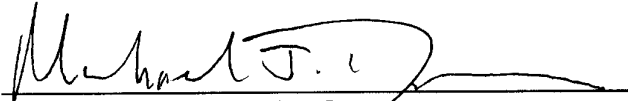
Subject Matter Jurisdiction

In their Complaint, Plaintiffs assert that this Court has jurisdiction pursuant to 28 U.S.C. § 1332. Section 1332(a)(1) provides a district court original jurisdiction over all civil actions that involve a matter in controversy exceeding \$75,000 that is between citizens of different states. In this case, however, both Plaintiff A.M.P. and Defendant Priebe are citizens of Wisconsin. Because there is a lack of diversity among the parties, this Court does not have subject matter jurisdiction over Plaintiffs' state law claims.

IT IS HEREBY ORDERED that Plaintiffs' Complaint is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: 11-15-01


Michael J. Davis
United States District Court